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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/708,601

03/14/2004

Po-Chun Yang

ACMP0180USA

2600

27765

7590

09/12/2006

EXAMINER

MASKULINSKI, MICHAEL C

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION

P.O. BOX 506

MERRIFIELD, VA 22116

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/708,601

Applicant(s)

YANG, PO-CHUN

Examiner

Michael C. Maskulinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6-10 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Second Non-Final Office Action

1. The indicated allowability of claim 2 (now independent claim 1) is withdrawn in view of the newly discovered reference(s) to Rothberg et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3, 6, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Rothberg et al., U.S. Patent 6,412,083 B1.

Referring to claim 1:

a. In column 1, lines 53-60, Rothberg et al. disclose that present disk drive technology provides for EDAC (error detection and correction) to help prevent data loss (an application program containing an error checking algorithm in the electronic device, starting the application program to access the application data, and executing the error checking algorithm to check for errors in the application data).

b. In column 5, lines 20-30, Rothberg et al. disclose that for user data file or a user installed application file, the user is informed that the file has a 'defective sector'. This may involve supplying the user with the name of the file containing the defective sector. The user is then asked if the file can be deleted and if the

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user determines the file is not needed, then the host computer deletes the file (and erasing the application data if the error checking algorithm detects an error in the application data).

Referring to claim 3, in column 5, lines 26-35, Rothberg et al. disclose that a null value is written to the logical address and the disk drive performs the write and read verify operation, and then proceeds to other rescue-candidate locations (wherein the section of the memory is reset to an initial status after the application data is erased from the section of the memory).

Referring to claim 6, in column 1, lines 32-33, Rothberg et al. disclose a hard disk drive (wherein the memory is a nonvolatile memory).

Referring to claim 10, in column 1, lines 32-33, Rothberg et al. disclose that the electronic device is a computer.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colligan et al., U.S. Patent 6,298,443 B1.

Referring to claim 7, in column 1, lines 32-33, Rothberg et al. disclose a hard disk drive. However, Rothberg et al. don't explicitly disclose that the memory is a flash

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memory. The Examiner takes Official Notice that a flash memory is well known and to implement a non-volatile device such as a hard disk drive with a flash memory is well known. Examples of this include memories in PDA's, cell phones, digital cameras and other devices that are too small to hold a hard disk drive but require a non-volatile memory. It would have been obvious to one of ordinary skill at the time of the invention to use a flash memory in the system of Rothberg et al. A person of ordinary skill in the art would have been motivated to make the modification because a hard disk drive is not always practical especially in small devices. Further, storing and erasing of data is part of a flash memory just as much as a hard disk drive. To use a method for a hard disk drive with a flash memory requires nothing more than simple engineering and components.

Referring to claims 8 and 9, in column 1, lines 32-33, Rothberg et al. disclose that the electronic device is a computer. However, Rothberg et al. don't explicitly disclose a mobile phone or a personal digital assistant (PDA). The Examiner takes Official Notice that is well known to have computers or at least a processor and storage device in many different components. Examples include cars, kitchen appliances, large appliances, televisions, cell phones, and PDA's. It would have been obvious to one of ordinary skill at the time of the invention to computer system of Rothberg et al. in a cellular phone or a PDA. A person of ordinary skill in the art would have been motivated to make the modification because as mentioned above these devices contain at least a processor and a memory. It would be obvious to extend a method for a computer system to these types of systems.

Allowable Subject Matter

6. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

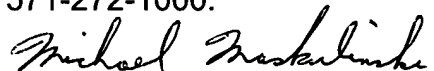
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael C Maskulinski
Examiner
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